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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,251	08/10/2001	Alex Waluszko	001-17	4302

7590

02/28/2003

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EXAMINER

NGUYEN, LAM S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,251

Applicant(s)

WALUSZKO, ALEX

Examiner

LAM S NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other:

DETAILED ACTION***Drawings***

New corrected drawings are required in this application because FIGs. 1-10, 11-18 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawing of FIG. 3 is objected to since lacking of a solenoid assembly 32 as introduced on page 8 in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: "a block-like operating members 34" on the last line of page 8 should be "a block-like operating members 38". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 8 recites the limitation "said vanes" in "shutter operating means operably associated with said timer for moving said vanes". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

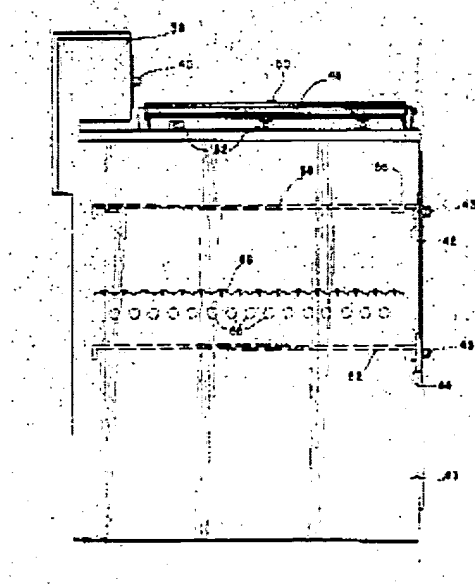
2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gush et al. (US 3619601).

Gush et al. disclose an apparatus for irradiating an article comprising:

(a) a housing (FIG. 5);

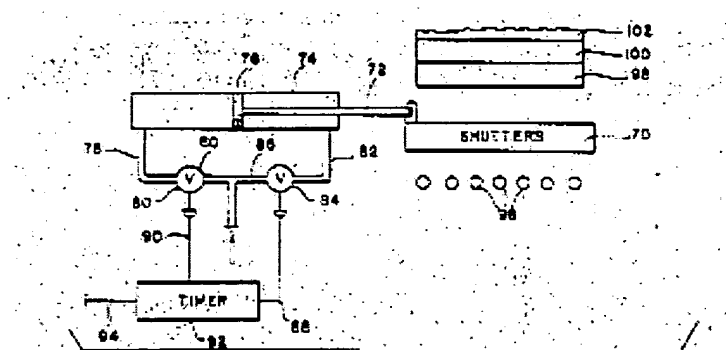
(b) a support disposed within said housing for supporting the article (FIG. 5, element 58);

(c) a source of radiation disposed within said housing at a spaced apart location from said support (FIG. 5, element 66 and column 11, line 32-37);



(d) shutter means (FIG. 5, element 68) disposed intermediate said support and

Referring to claims 4, 7: further including a timer (FIG. 6, element 92) operably associated with said control means (FIG. 6, element 74) and with said shutter means (FIG. 6, element 70) for moving said shutter means between said first and second positions at selected intervals of time.



Referring to claims 5, 8, 10: said control means comprises data input means operably associated with said timer for setting said timer (FIG. 6, element 94) and for moving said vanes (assumed that these vanes are the blocking elements disclosed in claim 6) from said first shutter open position to said second shutter closed position upon the passage of a selected interval of time (FIGs. 6 and 8).

Referring to claim 11: said blocking elements comprise a plurality of vanes pivotally connected to the said supporting frame for movement between a first shutter open position and a said second shutter closed position (FIG. 8, elements 188 and 194).

Referring to claim 9: said shutter operating means comprises a solenoid (column 4, line 42-47).

3. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Weihsmantel et al. (US 3738748).

Weihsmantel et al. disclose a method for irradiating an article using an apparatus comprising a housing (FIG. 1, element 11), a support (FIG. 1, element 15) disposed within the housing for supporting the article, a source of radiation disposed within the housing at a spaced apart location from the support, shutter means (FIG. 8, element 42a-c and FIG. 13, element 51a)

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disposed intermediate the support and the source of radiation (FIG. 8, element 11) for movement between a first, closed position blocking irradiation (FIG. 8, 13) of the article and a second open position (FIG. 10, 14) permitting irradiation of the article, and control means for energizing the source of radiation and for controlling the shutter means, the method comprising the steps of-

placing the article to be irradiated on the support and determining the time period of time that the article is to be irradiated (column 5, line 49-51);

using the control means energizing the source of radiation and using the control means, moving the shutter means to the second open position (column 6, line 18-20: the shutter is opened during exposure of the printing frame); and

at the end of said time period, moving the shutter means to the first, closed position (column 6, line 20-21: the shutter is closed during the standby condition).

Referring to claim 14: the further steps of determining the time period required from initial energization of the source of radiation to achieving maximum radiation output from the source of radiation and, after energizing the source of radiation, maintaining the shutter means in the first closed position until the expiration of said time period required from initial energization of the source of radiation to achieving maximum radiation output from the source of radiation (column 5, line 19-21: the warmup period).

Referring to claim 16: in which the support is mounted on a drawer having a door and in which the method includes the further step of closing said shutter means upon opening the door (FIG. 1, element 20, 22).

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Referring to claim 17: including the further step of following movement of the shutter means to the first closed position, deenergizing the source of radiation (Abstract: in the standby mode).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gush et al. (US 3619601) in view of Weihsmantel et al. (US 3738748).

Gush et al. disclose the claimed invention as discussed above, except that said blocking elements comprise a plurality of panels connected to the said supporting frame for movement between a first shutter open position and a said second shutter closed position while the source of radiation is deenergizing.

However, Weihsmantel et al. disclose a cabinet having light source (FIG. 14, element 13) and blocking elements comprise a plurality of panels connected to the said supporting frame for movement between a first shutter open position and a said second shutter closed position (FIG. 14, element 51a) while the source of radiation is deenergizing (Abstract).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to replace the blocking elements in the apparatus disclosed by Gush et al. by a plurality of panels connected to the said supporting frame for movement between a first shutter open position and a said second shutter closed position while the source of radiation is

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deenergizing as disclosed by Weihsmantel et al. The motivation of doing so is to shield the light source when it is not at the exposing intensity in order to avoid wasting energy as taught by Weihsmantel et al. (column 1, line 43-45).

Conclusion

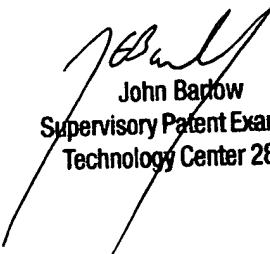
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (703)305-3342. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BARLOW can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LN

February 21, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800